DAVID W. SCOFIELD - 4140

PETERS | SCOFIELD

A Professional Corporation

7430 Creek Road, Suite 303

Sandy, Utah 84093-6160

Telephone: (801) 322-2002 Facsimile: (801) 912-0320 Email: dws@psplawyers.com

Attorney for Lead Plaintiff

[Additional counsel on signature page]

UNITED STATES DISTRICT COURT DISTRICT OF UTAH CENTRAL DIVISION

IN RE OVERSTOCK.COM, INC. SECURITIES LITIGATION)) No.: 2:18-cv-00271-DAK
THIS DOCUMENT RELATES TO: ALL ACTIONS	Hon. Dale A. Kimball)))

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(A)

Lead Plaintiff James Webb ("Webb" or "Plaintiff"), through his undersigned counsel of record, state as follows:

WHEREAS, Plaintiffs Blake Morris and Dennis Rossetti filed an action in this Court on March 29, 2018 (the "Morris Action") against Overstock.com, Inc. and certain of its officers and directors;

WHEREAS, Plaintiff Shaham Mahabadi filed a related action on April 6, 2018 (the "Mahabadi Action");

WHEREAS, on June 20, 2018, the Court consolidated the Morris Action and the Mahabadi

Action into the above-captioned action (the "Action") and, pursuant to the lead plaintiff selection

process mandated by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), entered an

order appointing Mr. Webb to be Lead Plaintiff in the Action and approving his selection of counsel

(Dkt. No. 60);

WHEREAS, on June 27, 2018, this Court ordered that (i) Plaintiff file any Amended

Complaint on or before August 7, 2018; (ii) Defendants respond to any Amended Complaint filed

by Plaintiff on or before September 21, 2018; and (iii) Plaintiff file his opposition to any responsive

motion on or before November 5, 2018 (Dkt. No. 63);

WHEREAS, Plaintiff has yet to file any Amended Complaint in the Action, and Defendants

have neither answered the complaint nor moved for summary judgment;

WHEREAS, under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff is entitled to

dismiss the Action by filing "a notice of dismissal before the opposing party serves either an answer

or a motion for summary judgment . . . ";

WHEREAS, no class has been certified and no motion for class certification has been filed,

and the voluntary dismissal of Plaintiff's claim against Defendants will not bind absent class

members;

THEREFORE, Plaintiff, through his undersigned counsel, hereby dismisses the Action

without prejudice, with all parties to bear their own costs and fees.

Dated: August 7, 2018.

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/s/ David W. Scofield

David W. Scofield

Attorneys for Lead Plaintiff

Additional Counsel on Following Page

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POMERANTZ LLP

Patrick V. Dahlstrom (admitted *pro hac vice*) Joshua B. Silverman (*pro hac vice* pending) Ten South LaSalle Street, Suite 3505 Chicago, Illinois 60603
Telephone: (312) 377-1181
Facsimile: (312) 377-1184
Email: pdahlstrom@pomlaw.com
jbsilverman@pomlaw.com

Counsel for Lead Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2018, a true and correct copy of Plaintiff's **NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(A)** was electronically filed using the Court's ECF system, which sent notice to all counsel of record.

/s/ David W. Scofield David W. Scofield